THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.6377 of 2007

30th March 2007

Between:

K.Ramachandra Reddy, S/o.K.Muni Swamy Reddy, 66 years,
R/o.D.No.3-86, Ramnagar Street, Satyavedu, Chittoor District.

...PETITIONER

AND

1. The Land Acquisition Officer-cum-Revenue Divisional Officer, Chittoor District.

And one other.

...RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

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ORDER:

It is stated that the mother of the petitioner, late Smt.Munirangamma is the owner of an extent of Acs.1.42 cents in Survey No.242/9, 0.71 cents in survey No.242/15, 0.39 cents in Survey No.287/1 and Acs.1.18 cents in Survey No.307/13, total Acs.3.70 cents along with some other landed properties situated in Mallavaripalem Village, Sathyavedu Mandal, Chittoor District. It is stated that the petitioner has got one third share in the said property of Acs.3.70 cents, which is now proposed to be acquired and accordingly, Form-A was published under Section 6 of the Land Acquisition Act, 1894 ('the Act' for brevity) for the special economic zone and invoked the provisions of Section 17 (1) and (2) of the Act and enquiry under Section 5-A of the Act was dispensed with. It is further stated that the name of the petitioner was not shown as one of the owners but the names of Sri D.Karunakar Reddy, Sri D.Sudershan Reddy and Smt.D.Neeraja were shown. Sri D.Karunakar Reddy is the elder brother's son and Sri D.Sudershan Reddy is the younger brother's son. As Sri D.Sudershan Reddy is no more, his wife Smt.D.Neeraja came on records.

I am not inclined to express any opinion whether the petitioner has got a right or interest over the said property even in the one third share. However, it is stated that after issuing declaration under Section 6 of the Act, the Collector is required to issue a notice under Section 9 of the Act about the intention of the Government to take possession of the said land and call upon the claims with regard to the compensation for the interested persons. It is stated that when notice has been issued, it is for the interested persons concerned to appear before the Collector and make an appropriate representation putting forth their right, claim and interest over the said properties for the purpose of payment of compensation. It is stated that the petitioner made representations dated 18.12.2006, 24.12.2006 and 30.12.2006. It is not known whether the Collector received the said representations or not. However, the learned Government Pleader submits that in fact, the enquiry proceedings were already over and the award proceedings are pending before the Collector under Section 11 of the Act.

If that be so, the petitioner is permitted to file a comprehensive representation before the first respondent and if any such representation is filed within one week from today, the first respondent

may consider and dispose of the said representation while passing an award under Section 11 of the Act. The Writ Petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J)

30th March 2007

Note: CC by two days
B/O
RRB